

## Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-11 EA-10 EUR-12 NEA-10  
OIC-02 HA-05 CIAE-00 DODE-00 NSAE-00 NSCE-00  
SSO-00 ICAE-00 INRE-00 PM-05 H-01 INR-10 L-03  
PA-01 SP-02 SS-15 AID-05 EB-08 TRSE-00 STR-07  
OMB-01 CEA-01 COME-00 OC-06 CCO-00 /140 W  
-----080376 111711Z /46

O 111638Z SEP 78  
FM USMISSION GENEVA  
TO SECSTATE WASHDC IMMEDIATE 3926  
INFO AMEMBASSY SANTIAGO  
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 13610

E.O. 11652: GDS  
TAGS: SHUM  
SUBJECT: 31ST SESSION OF UN SUBCOMMISSION ON PREVENTION OF  
DISCRIMINATION AND PROTECTION OF MINORITIES - CHILE (ITEM  
13).

1. SUMMARY: ANTONIO CASSESE (ITALY), FORMER SUBCOMMISSION  
EXPERT, PRESENTED HIS REPORT ON THE IMPACT OF FOREIGN ECO-  
NOMIC AID AND ASSISTANCE ON RESPECT FOR HUMAN RIGHTS IN  
CHILE (DOC. E/CN.4/SUB.2/412 - VOLUMES I THROUGH IV) ON  
SEPTEMBER 7 AND 8. IN HIS STUDY, THE SPECIAL RAPPORTEUR  
EXPRESSES THE VIEW THAT FOREIGN ASSISTANCE HAS SERVED TO  
PROP UP THE CHILEAN ECONOMIC SYSTEM WHICH IS BASED ON THE  
REPRESSION OF HUMAN RIGHTS AND, THEREFORE, HAS PERPETUATED  
REPRESSION OF HUMAN RIGHTS. ASSISTANCE TO CHILE BY GOVERN-  
MENTS, THE WORLD BANK AND COMMERCIAL BANKS, ACCORDING TO  
THE RAPPORTEUR, SUPPORTS A FREE MARKET ECONOMY WITH MINIMAL  
STATE INTERVENTION IN THE SOCIAL SPHERE, WHICH BY ITS VERY  
NATURE FAVORS A SMALL ELITE AND SACRIFICES THE NEEDS OF THE  
MAJORITY, AFFECTING THEIR RIGHT TO WORK, TO ADEQUATE FOOD,  
HEALTH, HOUSING AND EDUCATION. THE STUDY IN ONE SECTION  
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QUOTES PRESIDENT CARTER DURING A NEWS CONFERENCE IN WHICH  
THE PRESIDENT TALKS ABOUT COMMERCIAL BANK LOANS TO BRAZIL.  
THE IMPLICATION IS THAT THE USG DOES NOT DISAPPROVE OF PRI-  
VATE TRANSACTIONS TO COUNTRIES WITH BLEMISHED HUMAN RIGHTS  
RECORDS (PAGE 39, VOLUME IV, PARA 531). AMBASSADOR CARTER  
ATTACKED THE RAPPORTEUR'S THEORY THAT FOREIGN ASSISTANCE  
WAS DETRIMENTAL TO HUMAN RIGHTS. HE WAS SUPPORTED BY

MAJORITY OF EXPERTS, NOTABLE EXCEPTIONS BEING SMIRNOV (USSR) AND BAHNEV (BULGARIA). THE REPORT WILL BE PASSED TO THE GENERAL ASSEMBLY FOR CONSIDERATION WHERE THE DEPARTMENT MAY WISH TO REBUT SOME OF THE ATTACKS MADE ON THE U.S. END SUMMARY.

2. BACKGROUND: IN 1977 ANTONIO CASSESE (AT THAT TIME AN EXPERT ON THE SUBCOMMISSION) WAS REQUESTED TO PREPARE A REPORT DEALING WITH THE IMPACT OF FOREIGN ASSISTANCE ON RESPECT FOR HUMAN RIGHTS IN CHILE. SOME CONCERN ABOUT THE PREMISE AND METHODOLOGY OF THE STUDY WAS EXPRESSED DURING THE DEBATE, BUT IT WAS AGREED, FINALLY, THAT THE STUDY WOULD BE CONDUCTED AND AFTER CONSIDERATION DURING THE 31ST SUBCOMMISSION, WOULD BE PASSED TO THE GENERAL ASSEMBLY.

3. CASSESE FIRST NOTED IN HIS REPORT THAT THE GOVERNMENT OF CHILE HAD REFUSED TO COOPERATE IN THE PREPARATION OF THE STUDY AND HAD REFUSED HIM ENTRY INTO THE COUNTRY, ON THE GROUNDS THAT SUCH A STUDY WAS UNWARRANTED INTERFERENCE IN A (UN) MEMBER STATE'S INTERNAL AFFAIRS. THE RAPPORTEUR ADMITTED THAT THIS LACK OF COOPERATION PRECLUDED HIS MAKING ON-THE-SPOT INVESTIGATIONS AND GATHERING INFORMATION FROM THE PEOPLE IN CHILE.

4. CASSESE, IN THE REPORT, NOTED THAT THE ECONOMIC SITUATION IN CHILE HAD IMPROVED IN RECENT YEARS BUT STATED THAT THERE WAS NO CORRESPONDING IMPROVEMENT IN THE SOCIAL FIELD.  
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WORKERS' WAGES AS A PERCENTAGE OF THE GNP, FOR INSTANCE, HAD FALLEN BY ALMOST 20 PERCENT BETWEEN 1972 AND 1976. THE SMALL ELITE OF CHILE'S POPULATION, STATED CASSESE, APPEARED TO HAVE BENEFITED MOST FROM THE ECONOMIC GAINS BUT DISREGARDED THE NEEDS OF THE UNDERPRIVILEGED.

5. MOST FOREIGN LOANS AND INVESTMENT IN CHILE, ACCORDING TO THE RAPPORTEUR, DID NOT DIRECTLY IMPROVE THE HUMAN RIGHTS SITUATION AND THE SITUATION FOR ECONOMIC, SOCIAL AND CULTURAL RIGHTS REMAINS VERY SERIOUS.

6. CASSESE'S GENERAL CONCLUSIONS ARE THAT FOREIGN ECONOMIC ASSISTANCE TO CHILE HELPS TO MAINTAIN HUMAN RIGHTS VIOLATIONS AND TO FINANCE THE OPPRESSIVE POLITICAL SYSTEM.

7. A MAJORITY OF THE EXPERTS WERE CRITICAL OF THE REPORT, CITING THE RAPPORTEUR'S LACK OF EXPERTISE IN INTERNATIONAL ECONOMICS, HIS BIAS AGAINST THE FREE MARKET ECONOMY, AND THE DIFFICULTY OF FINDING CRITERIA FOR DETERMINING VIOLATIONS OF ECONOMIC AND SOCIAL RIGHTS.

8. AMBASSADOR CARTER (U.S.) CONTENDED THAT THE RAPPORTEUR'S STATEMENT THAT ECONOMIC RECOVERY IN CHILE WAS NOT

ACCOMPANIED BY IMPROVEMENT OF SOCIAL CONDITIONS COULD NOT BE SUBSTANTIATED WITHOUT ON-THE-SPOT INVESTIGATION. THE SOCIAL SITUATION COULD NOT AUTOMATICALLY BE BLAMED ON THE CHOICE OF THE ECONOMIC POLICY. HE SAID SOME STATEMENTS IN THE REPORT SUCH AS THE VIEW THAT A FREE MARKET SYSTEM SERVED ONLY THE ELITE, SEEMED POLEMICAL, AND CONTENTIOUS. CARTER SAID HE ALSO DID NOT ACCEPT THE IDEA THAT THE PROFIT MOTIVE IS IPSO FACTO OR EVIL. HE CONCLUDED HIS REMARKS BY STATING THAT HE WAS ANXIOUS THAT THE SUBCOMMISSION NOT FALL INTO THE TRAP OF ASSUMING A PARALLEL BETWEEN A FREE MARKET ECONOMY AND DETERIORATING HUMAN RIGHTS.

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9. COMMENT: DEPARTMENT MAY WISH TO REVIEW CAREFULLY THOSE PARAGRAPHS IN THE REPORT WHICH CARTER USED IN MOUNTING HIS ATTACK, IF THE U.S. PLANS TO COMMENT ON THE STUDY DURING THE UNGA: PARAS 455, 456, 458, 459, 465 AND 483.  
END COMMENT.

10. OF THE EXPERTS WHO INTERVENED ON THIS ITEM, ONLY SMIRNOV (USSR) AND BAHNEV (BULGARIA) ENDORSED THE FINDINGS OF THE RAPPORTEUR.

11. IN HIS REPLY, CASSESE DENIED THAT HE HAD A BIASED VIEW AGAINST A FREE MARKET ECONOMY AND ALSO THAT SOME OF HIS CONCLUSIONS WERE UNSUBSTANTIATED. HIS ONLY CONTENTION WAS THAT CHILE HAD A REPRESSIVE SYSTEM AND FREE MARKET ECONOMY MAY HELP EXPLAIN WHY ASSISTANCE WAS NOT HELPFUL

TO HUMAN RIGHTS. HE MAINTAINED HE HAD NOT EXTRAPOLATED FROM CHILE ANY NEGATIVE ASSESSMENT OF A FREE MARKET ECONOMY. CASSESE CITED WORLD BANK DOCUMENTS AND ECLA REPORTS AS TWO SOURCES OF HIS STUDY.

12. COMMENT: MISOFF WAS INFORMED BY HRD OFFICER THAT THE CONFIDENTIAL

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DIVISION HIRED A LONDON BASED AGENCY, KNOWN AS CONTEMPORARY ARCHIVES FOR LATIN AMERICA, TO CONDUCT THE STUDY. CASSESE DID SOME ADDITIONAL RESEARCH WHICH WAS INCORPORATED INTO THE CONTEMPORARY ARCHIVES DOCUMENT. END COMMENT.

13. SUBCOMMISSION EXPERTS PROPOSED THAT THE REPORT BE FORWARDED TO THE GENERAL ASSEMBLY WITH THE SUMMARY RECORDS OF THE DEBATE. SPECIALIZED AGENCIES WILL BE ASKED TO MAKE CORRECTIONS RELATING TO THEIR AREAS OF CONCERN. CASSESE WILL MAKE CORRECTIONS REQUESTED DURING THE DEBATE. COMMENT: MISOFF UNDERSTANDS THAT BRAZILIAN OBSERVER (MASTROGIOVANNI) PRIVATELY REQUESTED THAT CASSESE CHANGE LANGUAGE REGARDING HUMAN RIGHTS IN BRAZIL (PARA 531, VOLUME IV) WHICH IS FOLLOWED BY PRESIDENT CARTER'S PRESS CONFERENCE ON PRIVATE LOANS TO BRAZIL. "WITH A BAD HUMAN RIGHTS RECORD" WAS CHANGED TO READ QUOTE AGAINST WHICH ALLEGATIONS HAVE BEEN MADE CONCERNING THE VIOLATION OF HUMAN RIGHTS END QUOTE.

14. MISSION IS FORWARDING COMPLETE DOCUMENT VIA POUCH TO WARREN HEWITT (IO/HR), UNDER REGISTRY NUMBER 3008129. VANDEN HEUVEL

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## Message Attributes

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**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Date:** 20 Mar 2014  
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**Enclosure:** n/a  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014